Yielding up the other cheek, Dropping humbly on the knees; Closing Ups when dared to speak, Will not do in times like these.

Knoxville, Tenn., Sept. 12, 1866.

C. S. HUBBARD, No. 24, Broad Street, Boston, Mass. is our regularly appointed agent to receive subscriptions for our paper in the States of Connecticut and Massa-

The Whig can be had every week at the News Depot of R. H. Singleton, Post Office Building Nashville, Tenn.

The greater portion of our space this week is devoted to publishing the proceedings of the Convention of Southern Union men, held at Philadelphia during the past week. We publish a pretty full report of the proceedings with the grand and sublime Address, which every loyal and disloyal man in the nation should read. The grand welcome extended to the Southern delegates in Philadelphia, will send a thrill of joy throughout the country, and awaken the noblest enthusiasm of every patriotic heart .-Fifty thousand loyal and true men thronged the avenues to Old Independence Square, to extend to the loyal men of the South the right hand of fellowship, who have been faithful to the flag during ident Johnson has been invited to Nash ville the dark period of war, and who now, through great tribulation, come up to aid in averting the blow aimed at the perpetuity, of our blood-cemented

Twenty thousand American flags waved from the houses of the central portion of the city; and the wild huzzas that everywhere greeted the fire-tried Unionists of the South, proves that the people still love and honor the defenders of the Republic. The perfect harmony which characterized the proceeddings of the Convention, the grand welcome extended to its members by the loyal people of the loyal city which refused to welcome the traitor Andrew Johnson, the able and patriotic Address and declaration of principles; all these and singular, mark this Convention as the grandest which ever met on this Continent, save and except only the Conven-Address of this Convention is the second declara- speeches, Jihn of American Independence, and the response of the loyal millions to it will make the little traitor and despot cower in the White House.

In the contrast between this Grand Convention

this week. In our next issue we will give further interesting proceedings.

Gov. Brownlow's Slanderers. The treasonable Johnson papers in Tennessee have

published editorials from the Richmond (Va.) Examiner, bittterly denouncing Gov. Brownlow. Articles in which every opprobious epithet is applied to him usual in the vocabulary of an Andrew Johnson blackguard editor. Among the persons who have copied from the Richmond Omnibus of Filth and Treason is the nominal editor of the dirty little Johnson paper in this city.

For the information of our readers we will show the character of the editor of the Richmond Examiner. We do this, premising that the Examiner is a proper sheet from which the "Ohio Omnibus Driver." Knoxville "Merchant Prince," and Bristol bawdy-house Hero, should make selections for his

H. Rives Pollard is the editor of this Richmond has been published. From the Richmond Dispatch, a Johnson-Rebel-paper, we see that Pollard hill a woman in Richmond.

The Grand Jury of the city of Richmond made the following presentment against him:

"A presentment for a forcible entry into the house of Edwin M. Hewitt, and trespass, assault and battery therein:

"The jurors of the Commonwealth for the body of the city of Richmond, on their oaths, present that H. Rives Pollard did, on the 7th day of August, in the year 1866, within the jurisdiction of the said Court of Hastings in the city of Richmond, and at said city, with force and arms, break and enter the dwelling house of Edwin M. Hewitt, he, the said H. Rives Pollard, being armed with firearms, and did then and there, in the house of the said Edwin M. Hewitt, assault and threaten to shoot Jessie Hewitt the wife of the said Edwin M. Hewitt, then and there being, and did then and there assault and beat the of the female immates of the said house and then and there being; and violently and with force of arms drag her out of the said house, and other wrongs then and there did, to the damage and great alarm and terror of all the inmates of the said

The Dispatch publishes evidence clearly sustaining this presentment. Pollard is thus proven by his political associates to be a SCOUNDREL. Yet; he is possessed of as much honor! as any one of the men whose denunciation of the Governor is published in the Knoxville Commercial.

dignity of the Commonwealth.

We rarely consume space to reply to the abuse of Governor Brownlow by any newspaper in the State. Many Johnson papers in Tennessee, and especially this little Knoxville abortion, contain nothing but personal defamation of all who differ with them in

We have endeavored to argue the questions at is sue, not deeming personal detraction necessary to the success of the cause we espouse. We have resorted to personal invectives only in self-defense. There is less occasion for noticing anything from

the WeAkly-Daily-Knoxville Commercial than any other paper in the State. It has no circulation, and is conducted by a degraded puppy, who is remarkable only because he enjoys! the contempt of every decent man in the community without regard to party. An impudent, brainless upstart, the tool of some broken-down, ex-slaveholders of Knoxville, who are remarkable for neither brains or patriot-

DLER who is now living in style from his ill-gotten gains. A coward, who was publicly kicked and whipped on our streets until he yelped like a puppy and begged like a poltroon, " for God's sake take Maxey off." Yes! whipped, not by a radical surrounded by a mob, but whipped by H. L. Maxey, discharged rebel soldier. Whipped, not in a political controversy, but because he would not pay a poor ex-rebel soldier an honest debt for manuel la

debauchee, who took with him on the cars to Briston weeks since, in conversation, he said the war had tol, a cyrrian, whom he falsely alleged to be a closed too soon, and substantially condemned the sould be a continent to be continent. Only a few garchy matured its power with subtle design. Its history, for eighty years, is replete with unparalleled injuries and usurpations." It developed only the sould be a continent to be continent to the continent to be continent. Only a few garchy matured its power with subtle design. Its history, for eighty years, is replete with unparalleled injuries and usurpations." It developed only the relative, thus practising a fraud upon the hotel keep- sentiments he gave utterance to in this Memphis agricultural localites—geographically distinct from ers. Low, as his standard of morals now is, it is an speech. Since the General's speech, we see it animprovement upon what it was before he left Ohio. Though degraded to the level of a brute, and an object of contempt and pity, he is the worthy representative, in morals and integrity, of the men

Yes! concealed slanderers who declare Governor Brownlow avaricious because he has sued leading traitors for false imprisonment. Men who have sworn to accounts against the Government for twice and thrice the amount of damage done their property by the Federal army, and twice and thrice the Quartermaster and Commissary stores taken from them for the use of the army .

Pollard and Patterson are the kind of fellows to do the dirty work of such men, and denounce the only party ap loyal men of the nation.

"Don't BE FOOLISH."-You can make Six Dollars from Fifty Cents. Call and examine an invention urgently needed by everybody. Or a sample sent free by mail for 50c, that retails easily for \$6 sept13 6m



THE FIRST GUN!

The great battle for universal freedom and equal rights has opened with a glorious victory. Tuesday, Vermont did a God-like work, and sends greeting that must rejoice the hearts of patriotic Americans. She spurns the policy of Andrew Johnson with a gain of five thousand votes over the returns of 1865, when Gov. Dillingham was elected by 18,729. It is thought the majority will not fall The Great Convention of Southern Loyalists at Philadelphia, Pa.

by 18,729. It is thought the majority will not fall short of 25,000. An unusually full vote was polled.

A Copperhead Lie.

The filthy-lying-rebel-Commercial of this city published several days since, that President Johnson, and other distinguished personages would be here on the 19th and 20th of this month, at the Mass Meeting called by the Johnson party. This publication was made without the slightest authority. It was done to get a respectable crowd here on 19th and 20th. The rebel-Johnsonites of Knoxville know they cannot get a crowd of respectable numbers unless they lie and make the people believe that the President of the United States, Gen. Grant and others will be in attendance. Presand Knoxville, but has declined accepting the incitation and will return to Washington City by way of Cincinnati. We predict the Commercial will not correct the deliberate falsehood it has pub-

A Brief Speech of Gov. Brownlow. In Philadelphia on Tuesday evening 4th inst, at

the meeting in front of the League House, Governor Brownlow was introduced and received with tumultuous applause, when he said:

GENTLEMEN—I am physically unable to make a speech, and if I were, I could not make a stump speech. I must uphold the dignity of the Governor of Tennessee, and it will not do for me to make stump speeches it may be done by an accidental President of the stump speeches it may be done by an accidental President of the stump speeches it may be done by an accidental President of the stump speeches it may be done by an accidental President of the stump speeches it may be done by an accidental President of the stump speeches it may be done by an accidental president of the stump speeches it may be done by an accident of the stump speeches. ident, but not by the Governor of the great State of Tennessee. When this Convention is over I will tion on the same spot, where the bell of Old Independ-ence Hall first rang out the peal of Freedom. The

State Items.

From the Nashville Dispatch we learn that there was a destructive fire in that city, on the evening and the contemptible little convention of the 14th of the 5th inst. The fire was discovered in the of August, let Tennessee's apostate son read his large liquor and grocery house of Orr Brothers, on the corner of Church and Market streets. Hence Want of space prevents our commenting further it was communicated to the large wholesale grocery by openly discouraging the observance of the oath store of Ewing & Co., and other bouldings. The

The losses, so far as ascertained, are given by the Dispatch as follows: Orr Brothers, loss in stock nearly \$40,000. In-

ured for about \$20,000. Ewing & Co., loss on stock \$38,000. Insured for Briggs & Co., loss on stock, mostly by water,

\$2,500. Fully insured. Thomas Conner, opposite Orr Brothers, on Church street, \$1,800. Fully insured. Thomas Ferrell, opposite Orr Brethers, on Church

treet, \$500. Fully insured. There were other small losses by houses adjoinng, but were mostly covered by insurance. The buildings occupied by Orr Brothers and Ewing & Co., were the property of Rev. A. L. P. Green. The loss was complete, but we are not in-

A LARGE ASSESSMENT.—The returns made by paper from which so much abuse of the Governor the Louisville and Nashville railroad company to the Assessor of the District, for the year ending June 30th, 1866, shows a total net gain of \$1,158, 613, the tax on which at five per cent, is \$57,930,65. of the Examiner, has assaulted and threatened to This does not include a dividend of 4 per cent. on capital paid in last March. The total capital of the Louisville road is \$5,490 100, and the surplus earnings of the road in excess of two semi-annual dividends of four per cent. amount to the snug sum of

> CAT FISH AND CHOLERA.—The Memphis Post, of the 3d inst., says: "A colored family, consisting of six persons, on Saturday evening partock of soup made of cat fish heads, and this morning four

> are dead and the two survivors sick. CHATTANOOGA .- The Union of the 4th says : T. Gardenhire, who was seriously wounded on Friday night, during a quarrel with a man named Jeff. Parker, died last evening. Parker, the alleged

mu rderer, is still at large. The injunction against the Metropolitan police has been disselved, and the force is again on duty. THE East Tennessee University opens its session to-morrow, (Thursday, September 13th.) See ad-

vertisement in this paper. MAJOR CAMPBELL WALLACE, late President of house then and there being against the peace and the East Tennessee and Georgia Railroad, has been

> pardoned by the President. Mr. RICHARD BAYLESS, an old and respectable citizen of Washington county, recently committed suicide by hang ing. He was laboring under derangement at the time. Some years since his fath-

> er and two brothers committed suicide. HENRY C. LLOYD, late Captain of Battery "A ast Tenn. Light Artillery, died on the 3d inst., in Lexington, Ky., of inflammation of the bowels. Captain L. was a resident of Cleveland, Ohio, at the beginning of the war where he enlisted in Battery, "D," (Konkles) 1st Ohio Light Artillery, of which he was made 1st Lieutenant. Throughout the war he served with marked distinction and gal-

Johnson Orators of Memphis.

A meeting was recently held in Memphis to endorse Andy Johnson and A. Johnton's Philadelphia | the more despotic power the impenitent and revenge-Convention. Ex-rebel Major General Forrest was President. One Recorder Creighton was Vice President. Creighton, according to unimpeached Missouri, Kentucky, Tennessee, West Virginia, and unimpeachable testimony before the Congres-Maryland, and Delaware, democratic republican sional Committee, and according to the report of Gen. Grant and Gen. Geo. Stoneman, was the leading spirit of the Memphis riots. On this occasion free constitutional government; and by the blessing he frequently shouted to the mob in the height of of God, these States will soon range themselves in A fellow who was splurging in this city as a its excitement, "Kill every God d-d nigger son of line with the former free States, and illustrate the wholesale merchant, and, in derision, termed "The wholesale merchant Prince." A swindler and thief who have the control of the great charter of American liberty by their increasing population, Merchant Prince." A swindler and thief who made an immense debt for goods, and broke full- and spoke in favor of hoisting the "black flag." He American liberty by their increasing population, wealth, and prosperity.

In the remaining ten States the seeds of oligarchy handed, after acknowledging, under oath, an indebtelness of thirty-five thousand dollars. A swixelness of thirty-five thousand dollars. A swixelness of thirty-five thousand dollars. A swixextra thirty-five thousand dollars. A swixextra thirty-five thousand dollars. A swixextra thirty-five thousand form the reluctant framers of that great

We do through his influence were thousands of our people | instrument, enabled these States to entrench themimprisoned and hundreds murdered. Henry de- selves behind the perverted doctrine of States rights, clared there was no decision in the late war, and and sheltered by a claim of constitutional obligation they proposed now to go to the ballot-box. Said to maintain slavery in the States, to present to the American Government the alternatives of oligarchy the abolition of slavery was a cruel mistake, and with slavery, or democratic republican governments many other things proving he does not "accept the without slavery. situation in good faith," as their Conservative orators so oily term it.

The worst feature of the affair was the presence and speech of the United States commanding officer, years. The principles of constitutional liberty lan-East Tennesseeans, what think you of this Cop- and speech of the United States commanding omcer, guished for want of governmental support. Olinounced he has been promoted to a Colonelcy in the of human beings as chattels, yet made them the regular army. This accounts for the "milk in the basis of unjust representative power for themselves

Death of Johnson Democrats.

Cincinnati Commercial, a paper known to our read- mineral, manufacturing and lumber localities-comers as one of the most largely circulated in the whole | prising two-thirds of the whole South, in square country, and, until recently, a supporter of "My Policy," alias Andrew Johnson:

are dead!" There is a mistake out somewhere. He strangling enterprise. probably wrote "Democrats," and the telegraph, by some hocus pocus, made it read "Radicals." The free States from the free-labor localities by unmitiarently killed off by the Philadelphia gated intolerence and proscription, thus guarding from its use, and the patient when cured is left as healthy as Convention was the Democratic. We accordingly find the Pittsburg Post, "the only Democratic daily paper in Western Pennsylvania," taking in its sign. The words "Democratic ticket" no longer appear over the names of candidates for Governor and the constitutional guarantees of the right to peace- may be truthfully said to be a certain remedy. One dealer Congress. The other late Democratic papers in Pennsylvania are following suit. As it is in Penn-sylvania, so it will be in Ohio. The only paper that by E. L. [Wolcott, 170 Chetham Square, New will be left to swing the creaking old sign will be the West and South—the last of the Moors.

ADDRESS OF THE CONVENTION OF LOYAL SOUTHERNERS TO THE PEO. PLE OF THE UNITED STATES

THE APPEAL OF THE LOYAL MEN OF THE SOUTH

The representatives of eight millions of American citizens appeal for protection and justice to their friends and brothers in the States that have been spared the cruelties of rebellion, and the direct horrors of civil war.

Here on the spot where freedom was proffered and pledged by the fathers of the Republic, we implore your help against a recognized oppression, whose sole object is to remit the control of our destinies to the contrivers of the rebellion after they have been vanquished in honorable battle—thus at once to punidentified by every interest; long months of incar-ceration in rebel bastiles, banishment from homes ish us for our devotion to our country, and to in-trench themselves in the official fortifications of the and hearthstones, are but a partial recital of the long But the Democracy, North and South combined, defeated them. They lost. What did they lose? The cause of oligarchy? They lost African slavery by name only. As soon as the tocsin of war ceased—as soon as the clang of arms was hushed—they raised the cry of "immediate admission," and with that watchword seek to organize, under new forms, a contest to perpetuate their unbridled sway. They rehabilitate their sweeping control of all local and State organizations. The Federal Executive, easily seduced, yields a willing obedience to his old masters. Government.

Others have related the thrilling story of our Others have related the thrilling story of our wrongs from reading and observation. We come before you as unchallenged witnesses, and speak from personal knowledge our sad experience. If you fail us, we are more atterly deserted and betrayed than if the contest of arms had been decided affainst us; for in that case even victorious slavery would have found profit in the speedy pardon of those who had been among its bravest foes.

Unexpected perfidy in the highest place of the Government, accidentally filled by one who adds cruelty to ingratitude, and forgives the guilty as he proscribes the innocent, has stimulated the almost extinguished revenge of the beaten conspirators;

extinguished revenge of the beaten conspirators and now the rebels, who offered to yield everything to save their own lives, are seeking to consign us to bloody graves. Where we expected a benefactor we find a perse

who can make Presidents and punish traitors. Our last hope under God is in the unity and firmness of the States that elected Abraham Lincoln and defeated Jefferson Davis. The best statement of our case is the appalling yet unconscious confession of Andrew Johnson, who, in savage hatred of his own record, proclaims his purpose to clothe four millions of traitors with the

cutor. Having lost our champion, we return to you,

power to impoverish and degrade eight millions of loyal men. Our wrongs bear alike upon all races, and ourtyrants, unchecked by you, will award the same fato to white and black.

We can remain as we are only as inferiors and We may fly from our homes, but we should fear to trust our fate with those who, after denouncing and defeating treason, refuse to right those who had brayely assisted them in the good work.

Till we are wholly rescued, there is neither peace

for you nor prosperity for us.

We cannot better define at once our wrong and our wants than by declaring that, since Andrew Johnson affiliated with his early slanderers and our constant enemies, his hand has been laid heavily upon every earnest loyalist in the South. History the just judgment of the present, and the certain confirmation of the future, invite and command us

to declare-That, after rejecting his own remedies for restor-ing the Union, he has resorted to the weapons of raitors to bruise and beat down patriots.

That, after declaring that none but the loyal should tutional liberty; glittering orbs, sparkling with the life-giving principles of the model Republic—fitting govern the reconstructed South, he has practised upon the maxim that none but traitors shall rule. That while in the North he has removed consci-Our last and only hope is in the unity and forti-tude of the loyal people of America in the support and vindication of the Thirty-Ninth Congress, and entious men from office and filled many of the vacancies with the sympathizers of treason, in the South he has removed the proved and trusted patriin the election of a controlling Union majority in ot and selected the equally proved and convicted traitor.

succeeding or Fortieth Congress.

While the new article amending the national Constitution offers the most liberal conditions to the au-That, after brave men who had fought for the old flag have been nominated for positions, their names thors of the rebellion, and does not come up to the have been recalled and avowed rebels substituted. That every original Unionist in the South who stands fast to Andrew Johnson's covenants from iion would be the commencement of a complete and 1861 to 1865 has been ostracised. we accept it as the best present remedy, and appeal That he has corrupted the local courts by offering to our brothers and friends in the North and the

amount of property destroyed is estimated at That, while refusing to punish one single conspicious traitor, though thousands had carned the penalty of death, more than a thousand of devoted Union citizens have been murdered in cold blood

since the surrender of Lee, and in no case have their assassins been brought to judgment. That he has pardoned some of the worst of the rebel criminals, North and South, including some who have taken human life under circumstances of

unparalleled atrocity.

That, while denouncing and fettering the operations of the Freedmen's Bureau, he, with a full knowledge of the falsehood, has charged that the black men are lazy and rebellious, and has concealed the fact that more whites than blacks have been protected and fed by that noble organization, and that, while declaring that it was corruptly managed and expensive to the Government, he has connived at a system of profligacy in the use of the public patronage and public money wholly without paralformed as to insurance, but presume they are par- | lel, save when the traitors bankrupted the Treasury, tially or wholly secured. It is supposed that the and sought to disorganize and scatter the army and fire was the work of an incendiary but nothing certhe navy, only to make it more easy to capture and destroy the Government.

That, while declaring against the injustice of leaving eleven States unrepresented, he has refused to authorize the liberal plan of Congress, simply because it recognizes the loyal majority and refuses to perpetuate the traitor minority.

That in every State south of Mason and Dixon's

ine his "policy" has wrought the most deplorable consequences-social, moral and political. It has emboldened returned rebels to threaten civil war in Maryland, Missouri, West Virginia and Tennessee unless the patriots who saved and sealed these

States to the old flag surrender before their arrogant A Johnson meeting was recently held in the demands. Twentieth Ward of Brooklyn, New York, for the It has corrupted high State officials, elected by purpose of endorsing the Johnson Philadelphia Union men and sworn to enforce the laws against returned rebels, and made them the mere instru-Convention. From the Brooklyn Union we copy ments of the authors of the rebellion. the following speeches: It has encouraged a new alienation between the The long absence of the committee, and no par-

sections, and by impeding emigration to the South has creeted formidable barriers against free and friendly intercourse with our countrymen in the North and West. It has allowed the rebel soldiery to persecute the

teachers of the colored schools, and to burn the following churches in which the freedmen have worshiped the That a system so barbarous should have culmina ted in the frightful riot at Memphis, and the still

more appalling massacre at New Orleans, was as natural as that a bloody war should flow from the teachings of John C. Calhoun and Jefferson Davis. Andrew Johnson is responsible for all these unspeakable crimes and cruelties. As he provoked, so justifies and applauds them. Sending his agents and emissaries into this refined

and patriotic metropolis to insist upon making his reckless policy a test upon a Christian people, he forgot that the protection entended to the 14th of August convention in Philadelphia has not only denied to the free people of New Orleans, on the 30th of July, when they assembled to discuss how best to protect themselves, but denied amidst the slaughter of hundreds of innocent men. No page in the record of his recent outrages upon

human justice and constitutional law is more revolting than that which convicts him of refusing to arrest the preparations for that savage carnival, and not only of refusing to punish its authors, but of toiling to throw the guilty responsibility upon the unoffending and innocent freedmen.

The infatuated tyrant that stood ready to crush his own people in Tennessee when they were struggling to maintain a government erected by himself against his and their traitor persecutors, was even more eager to illustrate his savage policy by clothing with

ful rebels of New Orleans. Notwithstanding this heartless desertion and cruel persecution by Andrew Johnson in the States of principles-principles which the fathers of the Republic designed for all America-are now making determined battle with the oligarchical enemies of

A forbearing Government, bowing to a supposed constitutional behest, acquiesced in the former alter-

The hand of the Government was stayed for 80 in Federal and State Governments to maintain their

enslavement. It excluded millions of free white laborers from the richest agricultural lands of the world; forced On this subject we copy the following from the them to remain inactive and unproductive on the miles, and real undeveloped wealth-simply because these localities were agriculturally too poor for slave Painful Affections of the Spleen, Hysteries, Pain in the Bowele, labor; condemned them to agriculture, on this un-The editor of the Jackson Mississippian telegraphs agricultural territory, and consigned them to unwilfrom Philadelphia to his paper: "The Radicals ling ignorance and poverty, by denying capital and or become periodical. This Cure expels the poison from the

> the approaches to their slave domain against de-Statute-books groaned under despotic laws against tance to those afflicted with the complaint cannot be over esunlawful and insurrectionary assemblies, aimed at timated. So sure is it to cure the Fever and Ague, that it ably assemble and petition for red ress of grievances.

It proscribed true democratic literature as incen- bottle cures a whole neighborheed. diary. It nullified the constitutional guarantees of freedom of speech and the press.

"privileges and immunities" in these States, an injury and usurpation alike unjust to Northern citizens, and destructive of the best interests of the States themselves.

THE APPEAL OF THE LOYAL MEN OF THE SOUTH Alarmed at the progress of democracy, in the face of their fellow-citizens of the united of every discouragement, at last it sought immunity by secession and war. The heart sickens with the contemplation of the

catalogue of horrors.

ment of their wicked designs.

tyrants, midnight conflagrations, assassinations and

But all Southern men are not yet awed into sub-

mission to treason; and we have assembled from

all these States determined that liberty, when en-

dangered, shall find a mouthpiece, and that "the

thirty-six stars on the old flag. We are here to see

ness of oligarchical tyranny and oppression. We

wish them to be brilliant stars; emblems of consti-

measure of our expectations, we believe its ratifica-

lasting protection to all our people; and therefore

West to make it their watch-word in the coming

cess. However little the verdict of the ballot-box

may affect the reckless man in the Presidential chair,

we cannot doubt that the traitors and sympathizers

he has encouraged will recognize that verdict as the

surest indication that the mighty power which crushed the rebellion is still alive, and that those

who attempt to oppose or defy it will do so at the

God prompts the prediction and intensifies the be-lief that when this warning is sufficiently taught to

these misguided and reckless men, the liberated mil-

lions of the rebellious South will be proffered those

rights and franchises which may be necessary to

adjust and settle this mighty controversy in the spirit of the most enlarged Christian philanthropy.

GEO. W. PASCHAL, of Texas, Chairman.

R. O. SIDNEY, of Mississippi. JOHN H. ATKINSON, of West Virginia.

THOS. W COLESCOTT, of Kentucky. JOHN A. ALLDERDICE, of Deleware.

A. W. HAWKINS, of Tennessee.

WRIGHT R. FISH, of Louisiana.

MILTON J. SAFFOLD, of Alabama.

D. R. GOODLOE, of North Carolina. D. C. FORNEY, of District of Columbia JOHN A. J. CRESWELL, of Maryland.

SAMUEL KNOX, of Missouri.

PHILIP FRASER, of Florida.

G. W. ASHBURN, of Georgia.

"Here's a Johnson Man."

A NEW YORK JOHNSON ORATOR.

EXTRAORDINARY SPEECH.

in a corner, who, after shouting "hoorar," fell back

Constitution as it is laid down by our fathers of the

country, and we will lay down our lives to carry it

my fellow-citizens here, and, consequently, I am glad to speak my mind. How can a man be a con-

At this juncture Mr. S. M. Ostrander appeared in

"Now, then," eries the Secretary, "if any man

wants to join the Johnson Club, come up and sign

A JOHNSON MAN

appeared-a little man with a loud voice and a strav

"Here's a Johnson man." he cried in tones

the table, he shouted in the ears of the Secretary

nething to pay.
"Here's a Johnson man," he shouted at the top

of his voice, as he turned round and faced the sudi-

"HERE'S A JOHNSON MAN!

the power they had it, and by J ___ C __ they will

Great excitement. Two Johnson men went

SPECIAL NOTICES.

AYER'S AGUE CURE,

Remittent Fever, Chill Fever, Dumb

Ague, Periodical Headache or Billious

Hendache, and Billious Fevers, indeed

for the whole Class of diseases Origina-

ting in biliary derangement, caused by

Fever and Ague is not the only consequence

of the miasmatic poison. A great variety of

disorders arise from its irritation, in malari-

Rheamatism, Gost, Headache, Blindness, Tooth-

jous districts, among which are Neuralgia,

ache, Earache, Catarrh, Asthma, Palpitation,

the Malaria of miasmatic countries.

Colic, Paralysis and Derangement of the Stomach, all of which,

blood, and thus cures them all alike. It is not only the most ef-

if he had never had the disease. Can this be said of any other

ours for chills and fever? It is true of this, and its impor-

Prepared by J. C. AYER & CO., Lowell, Mass., and sold by

and retail by E. J. SANFORD & CO.

have it again. Andy Johnson's the man!"

straight up to the table and signed the roll.

The Secretary blandly assured him there was

From the extreme end of the room

the room and ordered Mr. Barrett to desist, which

['That's so,' and cheers.] I am glad to meet

again into a state of oblivion.

entiments of our minds"-

to make a good stump speech."

vour names.

"How much is it?"

Our confidence in the overruling providence of

risk of their own destruction.

The tokens are auspicious of overwhelming suc-

adornments of the glorious banner of freedom.

Philadelphia for fear of destruction.

ERRORS OF YOUTH.

A Gentleman who suffered for years from Nervous Debility, Premature Decay, and all the effects of youthful indiscretion, will for the sake of suffering humanity, send free to all who need it, the recipe and directions for making the simple remedy by which he was cured. Sufferers wishing to profit by the advertiser's experience, can do so by addressing, in perfect confidence,

Sep5-3mt No. 42 Ceder Street, New York.

MRS. WINSLOW'S MYSTIC PILLS

four years that followed—forced loans, impressments, conscription, with blood-hounds and bayonets, murder of aged Union men, who had long laid aside the implements of labor, but had been summoned anew Queen Hair Restorer, Are new to the public, but are tried remedies, and as such they are offered, knowing that a fair trial will convince the most skeptical these medicines posses virtues which no other preparations of the kind have, and will add laurels to the name of Mrs. Winslow. See advertisement another column. sep5 lm to the field by the conscription of their sons, to sup-port children and grandchildren, reduced from com-fort to the verge of starvation; the slaughter of no-ble youths, types of physical manhood, forced into an unholy war against those with whom they were

ITOH! ITOH! ITOH! SCRATCH! SCRATCH! SCRATCH! WHEATON'S OINTMENT

Will Cure the Itch in 48 Hours. Also cures SALT RHEUM, ULCERS, CHILBLAINS, and all ERUPTIONS OF THE SKIN. Price 50 cents. For sale by all druggists. By sending 60 cents to WEEKS & POTTEB, Sole Agents, 170 Washington street, Boston, it will be forwarded by mail, free of postage, to any part of the United

COLGATE'S HONEY SOAP. This celebrated toilet Soap, in such universal demand.

made from the choicest materials, is mild and seduced, yields a willing obedience to his old masters.

Aided by his unscrupulous disregard of Constitution and laws, by his merciless proscription of true democratic opinion, and by all his appliances of despotic power, they now defiantly enter the lists in the loyal North, and seek to wring from freemen an endorseemollient in its nature, fragrantly scented. and extremely beneficial in its action upon the skin .-For sale by all Druggists and Fancy Goods Dealers. feb21-ly

NEW ADVERTISEMENTS.

Every foul agency is at work to accomplish this result. Falsely professing to assent to the abolition of slavery, they are contriving to continue its detectable power by legislative acts against pretended vagrants. They know that any form of servitude will OHIO FEMALE COLLEGE. THE OPENING OF THE NEXT SES-A SION of this Institution has been postponed to the 17th of September, on account of the presence of Chelera at Cincinnati and other points, through which many of its pupils answer their unholy purpose. They pronounce the four years' war a brilliant sword scene in the great cinnati and other points, through cinnati and other points, through pass in reaching the College. There has been no cholera at College Hill. For catalogues, circulars, etc., address Rev. J. M. ANDERSON. College Hill, O. revolutionary drama. Proscriptive public senti-

ment holds high carnival, and, profiting by the example of the Presidential pilgrim, breathes out threatenings and slaughter against loyalty, ignores and denounces all legal restraints, and assails with the tongue of malignant slander the constitutionally P. DICKINSON & CO. chosen representatives of the people.

To still the voice of liberty—dangerous alone to

HAVE IN STORE AND FOR SALE murders in open day, are called to their aid. A reign of terror through all these ten States makes loyalty stand silent in the presence of treason, or whisper in bated breath. Strong men hesitate openly to speak for liberty, and decline to attend a convention at Carpeting, Rugs, &c., Velvet, Brussels, 3 ply, Ingrain and Hemp, Cocca Mattings

Paper Hangings, A large assortment al ways on hand. CLOTHING, HATS, BOOTS AND SHOES.

Government of the people, by the people, for the people, shall not perish from the earth." We are here to consult together how best to provide for a Union of truly Republican States; to seek to relume Of all kinds, Silks, Alpacas, French Merines, Traveling Dres Goods, Flanuels, Linseys, Ticking, &c. TRUNKS AND VALISES. New Goods received every week, at the old Stand of Cowan t Dickinson, Corner of Main and Gay Stacets.

sept12-3m

P. DICKINSON & CO. that ten of these stars are not opaque bodies, paling their ineffectual fires beneath the gloom and dark-

DRESS GOODS



GOLD MEDAL SHERRY. PORT AND MADEIRA, HARVEST BOURBON, WHEAT NUTRIENT, OLD HOMSTEAD RYE.

IN ADDITION TO OUR BUSINESS of selling wines, etc., in original packages, and in order to insure to consumers Pure Liquors in compact and convenient form, we commenced the enterprise of bottling and packing in cases our well known Wines, Brandies, Whiskies, etc., and have sent them out in a style that would preclude the possibility of their being tampered with before reaching the purchaser. The general appreciation and gratifying success that has rewarded our efforts has encouraged us to maintain the standard as regards quality, also, to make increased efforts to retain the confidence and patronage which has been so liberally bestowed upon us.

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Importers of Wines, &c.,

[Established in 1778] No. 15 Beaver Street, New York.

The above popular goeds are put up in cases containing one dozen bottles each, and are sold by all prominent Druggists, Opinions of the Press. The name of Bininger & Co., No. 15 Beaver Street, is a guar

ntce of the exact and literal truth of whatever they rep sent.—New York Commercial Advertiser.

The importing house of Bininger & Co., No. 15 Beaver street is conducted upon principles of integrity, fairness, and the highest honor.—New York Exeming Express.

sep12-1y

CIRCUIT COURT-KNOXVILLE. Third Judicial Circuit, Knox County, Tenn., ATTACHMENT.

Caroline R. Galbraith vs. George D. Rodgers and James M Rodgers, N THIS CAUSE IT APPEARING that the defendant, Jas. M. Redgers, is a non-resident of the State of Tennessee, or so absconds or conceals himself that the ordinary process of law cannot be served upon him: It is ordered by the court that publication be made for four successive weeks in Brownlow's Whig, notifying said defendant to appear at the next term of the Circuit Court of Knox county, to be held at the court house in Knoxville, on the 2d Monday of October next, then and there to plead, answer or demur to the suit and demand of the plaintiff, or the same will be taken as confessed and proceeded with ex parte as to him. Witness, Will. R. McBath, Clerk of said Court at office in Knoxville, September 8th, 1866

WILL, R. McBATH, Clerk, COUNTY COURT-ROGERSVILLE.

Bill for Partition of Land in the Count y Court of Hawkin county, September rules, 1866, William 1, Anderson vs. Low ry and others. T APPEARING FROM THE AFFIticular business being on hand, became at last in-DAVIT filed in this office that the defendants, Samuel supportable to an irrepressible little man named the State of Tennessee, and the residences of Asa Hopkins and wife, Mary and Laura Bunch are unknown, so that the ordinary process of law cannot be served upon them: It is therefore ordered that publication be made in the Knoxville Peter B. Barrett, who, with a look of determination in his eyes, advanced to the platform and made the Whig for four successive weeks, commanding them to appear before the County Court of Hawkins county, at the court house in the Town of Regersville, on the first Menday in De-cember, 1806, to plead, answer, or demur to said petition, or the same will be taken for confessed, and set for hearing ex "Fellow citizens"— The pause which ensued woke up a red-faced man

September 12, 1866 410 JAMES LACKEY, Clerk. Attachment.

Fellow citizens: We come here to indorse the Rebecca Lennon, for the use of Isaac A. Duukin, Administra-Mr. Barrett again came to a full stop, which aftor of William B. Lennon, deceased, vs. Daniel Feland and Jane A. Grant. forded a Johnson man the opportunity to whisper aside to the Union reporter: "That man knows how THIS SUIT WAS COMMENCED BY A attachment before a Justice of the Peace. It appearing from the affidavit of the plaintiff, Isaac A. Dunkin, on which the attachment issued in this case, that the defendants are "Of our minds," repeated Mr. Barrett. "No man can say that the Constitution of the United States ustly indebted to the estate of William B. Lennon. deceased is not the Constitution, and I defy any man to say and that they reside out of the State of Teanessee, so that the ordinary process of law cannot be served on them: It is there-fore ordered that publication be made in Brownlow's Whig for that I am not a good sound Dimmycrat under the Constitution. [Hooray!] This is a country which we are all entitled to adore and acknowledge the republic of the United States. [Cheers.] This is four successive weeks, notifying said defendants to appear be-fore me at my house, near Dandridge, in Jefferson county, Tennessee, on the last Saturday in March, 1867, and defend the suit thus commenced, otherwise the cause will be proa country the like of which there is not in the world, with ex parte. Sept. 12, 1866. 41 and in consequence we must obey the wishes of the

CHANCERY COURT-TAZEWELL. H. H. Kincaid, et als, vs. Martha Lane, et als.

IN THIS CAUSE IT APPEARING glad to speak my mind. How can a man be a constitutional man without he is a Dimmycrat—that's what I want to know."

At this juncture Mr. S. M. Ostrander appeared in Publication be made in Brownlow's Whig, for four successive weeks notifying said defendants to appearbefore the Chancery Court at Tazewell, on the 2d Monday of October next, then and there to defend said bill or the same will be taken as onfessed as to them and set for hearing ex parte. A copy of P. N. RODDY, O. & M., By JAMES R. EVANS, D. C. & M.

A. Robinson and wife, et als, vs. G. W. Rose, et als. IN THIS CAUSE IT APPEARING that the defendants, William S. Rose and Daniel G. Miller, are non-residents of the Siate of Tennessee, as shown in the bill: It is ordered that publication be made in Brownlow's Whig for four successive weeks, notifying said defendants to appear before the Chancery Court at Tazewell, on the 2d Monday of October next, then and there to defend said bill, or the same will be taken as confessed as to them, and set for hearing ex parte. A copy of the order. thunder; and as he seized the pen with a flourish, and brought his left fist down on the document upon

P. N. BODDY, C.& M., Sept 12, 1866 By JAMES R. EVANS, D. C. & M.

John I. Brown Adm'r, &c., vs. Pleasant Johnson and wife, et als. IN THIS CAUSE IT APPEARING that the defendants, C. C. Webb and James H. Webb, are non-residents of the State of Tennessee, as shown in the bill: It is We don't ask no odds of any man, by G-! We have got the odds in our hands. Andy Johnson fore the Chancery Court at Tazewell, on the 2d Monday of Octover by G-! When the Democratic party had will be taken as confessed as to them and set for hearing ex

parte. A copy of the order. Sept 12, 1866-1t^o By JAMES R. EVANS, D. C. & M. Decision of the Supreme Court. JUDGES-SAM MILLIGAN, JAMES C. SHACKELFORD,

THOMAS H. CALDWELL, Attorney General and Re-

AND ALVIN HAWKINS.

PHILLIPS AND JARDON vs. H. H. HOLLISTER, et al. The object of the bill is to rescind two contracts under which complainants became the purchaser of the shares of de-fendants La Boitreaux and O. H. Hollister, in a forge and fur-nace,, with the property attached, situated in Stewart coun-ty, Tennessee. These purchases were made on the 23d of Feb-ruary, 1853, and the interest acquired of La Boitreaux was one fourth the entire property, at the price \$15,000 00, and of O. H. Hollister, one eighth, at the price of \$7,500 00, which some have been paid by complainants. The force, furnace, sums have been paid by complainants. The forgs, furnace, &c., were originally acquired by the defendant Henry H. Hollister, by purchase in 1850 of one Jones, and a copartnership was formed and carried on between him and others for the manufacture of iron, under the style of H. H. Hollister & Co. Subsequent thereto, the defendant La Boltreaux was admit-

ted as a partner, when the firm name became Hollister, La

Bottreaux & Co. The members of the firm at the time being O. H. Hollister, who owned the share of one-eighth. La Boi-treaux one-fourth, Horace Hollister one-sixteenth, and Henry H. Holister nine-sixteenths. After this, and on the 14th of February, 1853, Henry H. Hollister sold Wm. Ellis one-fourth of his interest at the price of \$15,000 00, and complainant made the purchase of La Boitreaux and U. H. Hollister, as hereinbefore stated, when the firm name became again H. as hereinbefore stated, when the firm name became sgain If. H. Hollister & Co., the members of the copartnership being the complainants who owned a share of six-sixteenths, Wm. Ellis four-sixteenths, Horace Hollister one-sixteenth, and is otherwise. The costs in chancery causes are not, as in cases at law, fixed by express statutory provisions, but are left open to be adjudged as the Chancellor, in the exercise of a tiods of the partnership kept the books of the firm, and Henry I. Hollister had resided at the iron works from the beginning

complains that it is not a good medicine to sell, because one Druggists and Dealers everywhere, in Knoxville, at wholesale

case standing upon the order proconfesse, the bill as to La Boltreaux and O. H. Hollister must be taken as true by the court, and no proof in its ampiort is necessary. It has, to be sure, been held, that if a bill filed against two jointly interested as two purtners be taken for confessed as to one and the other party answers and dispreves the plaintiff's case, it will be dismissed as to both defendants,? Hum. 102-105. But this doctrine has, I believe, never been applied to the case of an answer by a defendant who had distinct rights and no joint or common interest with the party who fails to answer, 10 Johns Rep. 337—1 Der. vs. Batt, Esq., Rep. 321. Now here the defendant, C. H. Hollister, who answers, was no party to the centract against which relief is sought. La Boitreaux and O. H. Hollister cach had a share in the iron works, which they sold complainants; but in these shares H. H. Hollister, who owned a distinct share, had no interest. Wo do not suppose the mere consequential interest which H.H. Hollister, who owned a distinct share, had no interest. Wo do not suppose the mere consequential interest which H.H. Hollister, who owned a distinct share, had no interest. Wo do not suppose the mere consequential interest which H.H. Hollister acquired in complainants as future partners, instead of La Boitreaux and O. H. Hollister, enables him to make defense for them. Their case may be very distinct from his, and may admit of separate relief. Indeed, if his conduct in reference to these contracts, was such as not to projudice complainants, relieving himself of all blame, he could not be affected by the injury inflicted upon them by La Boitreaux and O. H. Hollister. In this view of the case if complainants, whether ignorant of the wrong done them by La Boitreaux and O. H. Hollister, but we do not this partnership, chose to carry it on with H. H. Hollister, they would be held as valid partners, not only as to creditors of the partnership, the partnership books and a hardening dott of the purchase, and the firm of su books and balance sheet believed by complainants. The a tual profit placed to the credit of each partner was as for

685 42 2,741 68 1,370 81

The balance sheet and books instead of being correct, were false, lictitious and grossly fraudulent, and did not show the truth as to the outstanding debts by some twenty or thirty thousand deliars; and among the omitted debts is a very large one, claimed by H. H. Hollister, and which he insists upon having allowed, disregarding the balance sheet and books as made out and shown to complainants. The bill is also taken for conferred as to Horace Hollister.

In his answer, H. H. Hellister admits that he had the management of the works, that he had clerks—first, O. H. Hellister; second, one Johnson and surely La Boitreaux; these er; second, one Johnson and surely La Boltreaux; then hought the books truly kept, but has since discovered that thought the books truly kept, but has since discovered that many errors were committed, principally inomissions to make returns, of which he was not then cognizant, denies that he exhibited the books or abstracts to the complainants, or knew of its being done, or was a party to the representations made to them, but admits he assented to receive complainants as partners; he then believed the entries on the books complete and full. The errors were not to be put to his fault, but to the book-keeper's; he was as much surprised as any one when these errors were discovered; admits that some of the debts of the old firms of H. H. Hollister & Co., and Hollister, La Boitreaux & Co., were not entered on the books of the firms, but they were not so large as alleged—probably from \$5,000 to \$6,000 in addition to the omission as to the debts due himself, which he claims to have corrected; admits that he (O. H. Hollister) and La Boitreaux made out the balance sheet, and made the entries on the books of the result and profits which they then thought to be correct; that they put down all the debts they could rememember, but it turned out that many debts were omitted, which made the books erroneous.

La Boitreaux is examined for the defondant, H. H. Hollister, and states that the books and balance sheet were not fixed up to sell shares by, but as data by which to settle in the future; that the debts were given in to him when he fixed up the bears by H. and O. H. Hollister, and had bear the books and balance sheet were not fixed up to sell shares by, but as data by which to settle in the future; that the debts were given in to him when he fixed up to sell shares by, but as data by which to settle in the future; that the debts were given in to him when he fixed up up to sell shares by, but as data by which to settle in the future; that the debts were given in to him when he fixed up the books by H. H. and O. H. Hollister; and be then thought them correct, and yet so thinks; that the books and balance sheet were examined by the complainants before they purchased; were shown to them by him, and from them the complainants got the debts of the firm. The conviction forced upon us from reading this record, that when complainants purchased they were induced to believe that the books contained a true statement of the indebtedness of the antecedent firms of H. H. Hollister & Co., and Hollister, La Boitreaux & Co., not only by the representation of La Boitreaux, but of the Hollisters—including H. H. Hollister. The books are not the Hollisters—including H. H. Hollister. The books are not filed as evidence, but George P. Wikox, who appears to understand them, is examined in relation to them, and from his proof it appears that the sum of \$14,209 52 of indebtedness by these firms, created prior to the taking of the balance sheet, but not mentioned in that or on the books of the firm of which complainants became members in the years 1853 and 1854, and what amount of such desire have been expectated. 1854, and what amount of such debts have been subsequently paid or remain unpaid had been paid ont by the firm, the witness could not state. Furthermore, according to the books, the firm, on the first day of January, 1853, owed H.H.Hollister. the firm, on the first day of January, 1853, owed H.H.Hollister \$5,56555, but if corrected, as he now demands, the books should have shown an indebtedness to him at that time of \$20,56553. It is difficult to believe that such a wide departure from the truth was the result of ignerance, and not of design on the part of these defendants, most of whom, and especially H. H. Hollister, had been conversant with the affairs of these firms from their origin. However this may be, the law is settled from their origin. However this may be, the law is settled, that whether a party misrepresenting a fact, know it to be false, or made an assertion without knowing whether it was true or false, is wholly immaterial. It has been correctly said to affirm what one does not know or believe, is unjustifiable, either in law or morals. And, indeed, it seems now to be well settled, that if a party innocently misrepresents a ma-terial fact by mistake, upon which another party is induced terial fact by mistake, upon which another party is induced to act, it is as conclusive a ground for relief in equity as a wilful and false assertion, for it operates as a surprise and imposition on the other party. In such a case, the party must be held to his representations. Lowis et al, vs. McLemore, et al, 10 Yer, 206-209; I Story's Eq., section 193, Merriwether et al, vs. Lorman et al, 3 Sneed, 448-452; Davidson vs. Weekly, 3 Yer, 196, and H. H. Hollister — As between him and complainants, whether he had a greater interest in having them instead of La Boitreaux and O. H. Hollister as partners or not, (and we think it likely he had) cannot be allowed to insist upon other debts than those shown by the books of the

two old firms of H. H. Hollister & Co, and Hollister, La Boitreaux & Co.

It does not appear that complainants have come too late or done anything to waive their equity to relief. The bill, it is true, was not filed until the 26th of November, 1856; but it is alleged in the bill that they were in utter ignerance of the fraud perpetrated upon them, or the injury done them, until a short time before the bill was filed. As to this matter, the answer of H. H. Hollister admits that Jardon was never at the works, and Phillips only ence or twice, and then only for a short time, and could not have had much knowledge of the business. They were the merchants at Cincinnati to sell the iron, &c. It is shown that on the 15th of November, 1854, Eilis had filed his bill for a dissolution and settlement of the partnership, and in taking the account in that case, it was dispartnership, and in taking the account in that case, it was dis partnership, and interacting the account in that case, it was discovered that both he and complainants had been defrauded, having also, in his purchase, agreed to pay one-fourth of the debts of the prior firms. They then filed their bill, and Ellis his amended bill, (on the 27th of March, 1857), praying for a recision of the contract, and by agreement between him and H. H. Hollister, the contract was subsequently rescinded.

But we do not think this a proper case to recisioned. H. H. Hollister, the contract was subsequently rescinded.
But we do not think this a proper case to rescind the purchases of complainants, the parties cannot be put in sale que.
In the case of Ellis a decree was made to sell the partnership
property to close the partnership, and at the commissioner's
sale under the decree on the 22d of January, 1835, the complainants, (being still ignorant of the wrong done them.) purchased the furnace and other property to the value of \$20,31567; H. H. Hodlister, the forge and some other property, and
Ellis also purchased a part of the property. These parties
have respectively been in the possession and use of the property so purchased ever since the said Geo. P. Wilcox having ac-Ellis also purchased a part of the property. These parties have respectively been in the possession and use of the property so purchased ever since the said Geo. P. Wilcox having acquired an interest of one-third in the furnace after the Commissioner's sale by purchase from the complainants and he and they have used and worked the furnace ever since under the firm of Geo. P. Wilcox & Co., and Wilcox is no party to this suit. In this state of facts we do not see how we can annul the purchases of complainants. The condition of the late firm of H. H. Hollister & Co., too, could not be affected by the informatity of the contracts between complainant and La Boitreaux and O. H. Hollister. We can only hold that as between complainants and defendants the books of the prior firms of H. H. Hollister & Co., and Hollister, La Boitreaux & Co., as they existed at the time of complainants' purchases on the Cal of February, 1856, shall be held to state the true indebtedness of these firms, and so far as complainants have paid siness of these firms, and so far as complainants have paid other debts of said firms. The same shall be refunded by de-tree against La Boitreaux and the Hollisters, and be a lien on any partnership property held by them or any of them; and if any other such debts—not so statdd on the books remain unpaid, the complainants will not be liable therefor; and upon this principle the late partnership of H. H. Hollister & Co., will be settled, holding complainants as members thereof—but holding the defendants La Boitreaux and the Hollisters as bound to make good their statements as to the indebtedness of

insist upon other debts than those shown by the books of the two old firms of H. H. Hollister & Co, and Hollister, La Boitreaux & Co.

the prior firms.

As to the iron on hand when complainants purchased, they were very capable of judging of its value, and we must suppose they did, and if it were insufficient to pay the indebtedness of these firms as represented on the firm backs, they could readily see it, and to believe they did not would be to suppose them wanting in common care and prudence. For any deficiency in this respect, then, complainants must abide the care made by themselves. But as to the debts not stated n the books of the firms, they stand on very different groun-

Such is the opinion of his Honor, Judge Wright, in this cause, prepared after its argument at a former term of the court. An examination of the authorities and the record has atistied this court of the correctness of the conclusions of law and fact to which his Honer comes in the foregoing opinion, which is adopted as the opinion of this court. The decree of the Chancery Court will be reversed—a decree entered here in accordance with his opinion, and the cause removed for the execution of the decree and further proceedings in the Chan-D. CAMPBELL, Special Judge.

Attest: J. G. FRAZIER, Clerk. C. BREED, Clerk, vs. CARREN, SHUBOULT & CROTH-In this case it appears that Carren, F. Shuboult and S. J. Crothers brought their action in the Circuit Court of Montgomery against Samuel Simpson, to recover \$1,000 due by bond, and that the action was successfully prosecuted to final judg

ment.
At the time the suit was instituted the ordinary presecution

bond was executed, with A. Robb, now dead, and James E. Bailey security for costs, execution issued on the judgment, which was duly returned, indorsed. "No property found to make the debt, or any part thereof," whereupon the clerk, the plaintin in this case, moved the court for judgment against r. and their securities in the pr cution bond, for fees due him on account of services rendered at the instance of the plaintiffs in the original action. The Circuit Judge allowed the motion, and proceeded to pronounce judgment for \$6.25 against the plaintiff, and James E. Bailey and Mary E. Robb, executrix of A. Robb, deceased, from which the latter two, as sureties in the prosecution bond, appeal in error to this court. peal in error to this court.

The rule of the common law that witnesses shall be tendered their fees before they are bound to attend, has been for many years abrogated by statute in this State. The law fixes their compensation, and they are bound to attend, or incur by forfeiture, a penalty of \$125.00; and a liability to such other damages at the suit of the party summoning the witnesses as may be sustained for want of their testimony. In like manner the officers of the court are bound to perform the services required of them by law, for the compensation therein fixed, and without payment in advance. Such is the very nature of the undertaking when they assume the duties of their office; and although the law imposes upon them but few duties, for which it does not provide compensation, they must, in every

and although the law imposes upon them but few duties, for which it does not provide compensation, they must, in every instance, when their fees cannot be collected from the party against whom the cests are adjudged, look alone to the party for whom, and at whose instance the services were rendered. In case of witnesses as far back as Martin and Yerger's Reports, 38, 43; it was held, and the rule has been adhered to ever since, that a witness might maintain his action against the party, and at whose instance he was summoral, at the the party, and at whose instance he was summoned, at the end of every term, and that he was not bound to wait the termination of the cause in which he give his attendance as a witness. But no case of which we are aw are, under our practice, has gone so far as to authorize the Clerk to recover his fees, by suit, before the termination of the cause in which the services were rendered.

The practice has been the reverse. But it has been the reverse. The practice has been the reverse. But it is clear, upo principles of common law, as well as by the statute, a Clerk can, if the unsuccessful party is unable, after judgment against him—to pay the fees due, maintain his action against the successful party at whose instance the services were ren-dered. By the Code, section 3,204, he need not resort to his common law remedy, but he way enforce his right by motion. But neither at the common law or under the statute does the right of action or motion lie against the surety in the prose-cution bond in actions at law. The rule in courts of equity STOP and examine the immense stock

sound discretion, may think just and equitable, without regard to the result of the cause. In such cases the surer y for cost undertakes, with reference to this discretionary power of the Chancellor, and his subject to its exercise, whether his principal succeeds or not. Allison vs. Stephons et al, 2 flead H. Hollister had resided at the iron works from the beginning and had superintended their management. Thomas Phillips, who came to Tennessee and made the purchase, lived in Gincinati, Richard Jardon, the other complainant, Hved in Covington, Ky. They had no previous knowledge of the affairs of the firm, and had to rely on the copartnership books and statements of defendants. Phillips was never in Tennessee before and Jardon never at all.

The Chancellor refused all relief and dismissed the bill. It is difficult to maintain the decree. The bill charges a gross fraud upon La Boitreaux and O. H. Hollister, of whom complainants purchased and they fail to make any answer—although they not only had notice by the usual publication, having become non-residents—but had occase knowledge of the pendency of the suit, having given their depositions in the cause. The grounds of relief being distinctly stated, and the



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